

# HINSHAW

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December 21, 2015

**VIA ECF**

The Honorable Henry B. Pitman  
U.S. District Court, Southern District of N.Y.  
500 Pearl Street  
New York, New York 10007

**Re: Motorola Solutions, Inc. v. Xerox Business Services, LLC,  
Docket No. 14-cv-00206 (LTS)(HBP)**

Dear Judge Pitman:

I represent Defendant Xerox Business Services, LLC, in this matter. I write, with the consent of counsel for Plaintiff, Motorola Solutions, Inc., to respectfully make a joint request for a stand-still of discovery and other proceedings until January 31, 2016.

The purpose of the requested stand-still is to allow the parties to revisit settlement before committing additional resources to the remaining discovery, and thereafter, summary judgment. Given the costs necessitated by those matters, and the fact that Plaintiff's damages claim is approximately \$425,000, the parties agree that this is probably the last opportunity for settlement before the economic realities of the case make settlement impractical for both sides.

As to the current status of discovery, the Rule 30(b)(6) depositions of both parties were recently completed in Chicago, and both parties requested production of additional documents and information during and immediately after those depositions. The parties are in agreement that four (4) additional depositions are necessary. All four of those witnesses reside in Phoenix, Arizona, and, logistically, the parties agree that all four depositions can and should be completed over several days on a single trip (which is also preferable for cost reasons). Otherwise, the parties are negotiating, but not in agreement, as to what remaining discovery is necessary and appropriate, and whether another extension of discovery can be jointly requested. Before investing additional resources in the resolution of those issues, however, the parties agreed to revisit those issues at the conclusion of settlement talks, if the Court is willing to grant the requested stand-still.

The present discovery cut-off is January 15, 2016, dispositive motions must be served by January 29, 2016, and there is a pre-trial conference before Judge Swain on February 5, 2016. Given those deadlines, the upcoming holidays, and the parties' unresolved negotiations over another discovery extension, the parties are respectfully requesting a stand-still in order to focus on settlement without the litigation and economic pressures imposed by such deadlines.

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Thank you for your continued attention to this case.

Very truly yours,

HINSHAW & CULBERTSON LLP

A handwritten signature in black ink, appearing to read "Edward K. Lenci", written over the printed name.

Edward K. Lenci

cc: John C. Gekas, Esq., counsel for Plaintiff